

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

MELECIA C. DIAMOND,	)Civ. Action No. 5:04-22321-RBH-JRM
	)
Plaintiff,	)
	)
vs.	)
	)
THE REGIONAL MEDICAL CENTER OF	) <b>REPORT AND RECOMMENDATION</b>
ORANGEBURG AND CALHOUN COUNTIES	)
	)
Defendant.	)
_____	)

Plaintiff filed this case pro se on September 24, 2004. Counsel made an appearance for plaintiff on June 13, 2005, and a new scheduling order was issued. Thereafter, an amended complaint was filed. On January 5, 2006, defendants made a motion to compel discovery as no response had been received for their requests. Plaintiff did not respond to the motion to compel. An order granting the motion was issued by the Court requiring plaintiff to respond to the discovery requests on or before February 24, 2006. On March 23, 2006, defendants filed a motion to dismiss the action for failure to prosecute pursuant to Rule 41. According to the motion, plaintiff has never responded to defendant's discovery requests as required by the order of the Court. Further, attempts to schedule plaintiff's deposition have been unsuccessful. Plaintiff has not responded to the motion to dismiss. It is, therefore, recommended that the case be dismissed with prejudice pursuant to Fed. R. Civ. P. 41.

Respectfully submitted,

s/Joseph R. McCrorey  
United States Magistrate Judge

April 20, 2006  
Columbia, South Carolina